

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -MAY 15, 2007- -7:30 P.M.

Mayor Johnson convened the Regular City Council Meeting at 7:46 p.m. Councilmember Matarrese led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers deHaan, Gilmore, Matarrese, Tam and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(07-219) Proclamation declaring May 17, 2007 as Bike-to-Work Day.

Mayor Johnson read and presented the proclamation to Dan Wood, Bike Alameda.

(07-220) Proclamation declaring May 13 through 19, 2007 as National Police Memorial Week.

Mayor Johnson read and presented the proclamation to the Chief of Police.

CONSENT CALENDAR

Councilmember deHaan moved approval of the Consent Calendar; requested a 10-year sales tax profile [regarding the recommendation to accept quarterly sales tax, paragraph no. \*07-224].

Vice Mayor Tam seconded the motion.

Councilmember Matarrese noted that he would abstain from voting on the May 1, 2007 minutes [paragraph no. \*07-221].

On the call for the question, the motion carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*07-221) Minutes of the Special Joint City Council and Community Improvement Commission meeting held on April 17, 2007, the Special and Regular City Council Meetings held on May 1, 2007, and the Special Joint City Council, Alameda Reuse and Redevelopment Authority, and Community Improvement Commission Meeting held on May

8, 2007. Approved.

[Note: Councilmember Matarrese abstained from voting on the May 1, 2007 minutes.]

(\*07-222) Ratified bills in the amount of \$5,285,161.40.

(\*07-223) Recommendation to set hearing date for June 5, 2007 for establishment of Proposition 4 Limit for Fiscal Year 2007-2008. Accepted.

(\*07-224) Recommendation to accept Quarterly Sales Tax Report for period ending March 31, 2007. Accepted.

(\*07-225) Recommendation to award Contract in the amount of \$240,000, including contingencies, to Shaaf & Wheeler Consulting Engineers for Storm Drainage Study, No. P.W. 03-07-08. Accepted.

(\*07-226) Recommendation to adopt Specifications and authorize Call for Bids for Roof Structure for Maintenance Service Center Transfer Pad and Dumpsters, No. P.W. 04-07-14. Accepted.

(\*07-227) Recommendation to adopt Plans and Specifications and authorize Call for Bids for pruning of City trees within the City of Alameda for the Fiscal Year ending June 30, 2008, No. P. W. 04-07-13. Accepted.

(\*07-228) Recommendation to accept the work of SpenCon Construction, Inc., for Fiscal Year 2005-2006 repair of Portland Cement concrete sidewalk, curb, gutter, driveway, and minor street patching, No. P.W. 03-06-06. Accepted.

(\*07-229) Resolution No. 14086, "Preliminarily Approving Annual Report Declaring Intention to Order Levy and Collection of Assessments and Providing for Notice of Public Hearing July 3, 2007 - Island City Landscaping and Lighting District 84-2." Adopted;

(\*07-229A) Resolution No. 14087, "Preliminarily Approving Annual Report Declaring Intention to Order Levy and Collection of Assessments and Providing for Notice of Public Hearing July 3, 2007 - Island City Landscaping and Lighting District 84-2, Zones 2 and 3." Adopted.

(\*07-230) Resolution No. 14088, "Preliminarily Approving Annual Report Declaring Intention to Order Levy and Collection of Assessments and Providing for Notice of Public Hearing July 3, 2007 - Maintenance Assessment District 01-01 (Marina Cove)." Adopted.

(\*07-231) Resolution No. 14089, "Approving a Second Amendment to the Agreement for Additional Funding from the State of California Coastal Conservancy to Implement Spartina Eradication and Mitigation Measures and Authorizing the City Manager to Enter into All Associated Agreements." Adopted.

(\*07-232) Resolution No. 14090, "Accepting \$138,000 in Fiscal Year 2007-2008 Congestion Mitigation and Air Quality Funds for the Signal Coordination and Interconnect for Eighth Street, Park Street, and Otis Drive Projects." Adopted.

(\*07-233) Resolution No. 14091, "Authorizing Open Market Purchase from Moss Brothers Dodge, Riverside, California Pursuant to Section 3-15 of the Alameda City Charter for One Dodge Charger in an Amount Not to Exceed \$23,470." Adopted.

(\*07-234) Resolution No. 14092, "Authorizing the City Manager to Complete and Execute a Cooperative Agreement Between the City of Alameda and the State of California Department of Transportation for the Stargell (Formerly Tinker) Avenue Extension Project (CIP No. 04-105/CalTrans Project No. EA448200)." Adopted.

(\*07-235) Resolution No. 14093, "Resolution of Intention to Levy an Annual Assessment on the Alameda Business Improvement Area of the City of Alameda for Fiscal Year 2007-2008 and Set a Public Hearing for June 5, 2007." Adopted.

#### REGULAR AGENDA ITEMS

(\*07-236) Public Hearing to consider a Call for Review/Appeal of the Planning Board's appointment of an Ad Hoc Committee to work with the Planning and Building Director on a Housing Element/Measure A Workshop.

The Planning and Building Director gave a brief presentation.

Mayor Johnson opened the public portion of the hearing.

Proponents (In favor of Appeal): former Councilmember Barbara Kerr, Appellant; Pat Bail, Appellant; Dr. Alice Challen, Appellant; Diane Coler-Dark, Appellant; Jim Sweeney, Appellant; former Councilmember "Lil" Arnerich, Appellant; "Lil" Arnerich for Norma Arnerich, Alameda; former Councilmember Barbara Thomas, Appellant; Robert Pardee, Alameda; Dorothy A. Freeman, Alameda; Joseph Woodard, Alameda; Susan Battaglia, Alameda; Eric Scheuermann, Alameda; David Howard, Action Alameda; Scott Brady, Alameda; Ashley Jones, Alameda; Len Grzanka, Alameda; Nita Rosen, Alameda; Noel Folsom, Alameda; Robert Rodd, Alameda; Robert Todd, Alameda; and Mercedes

Milana, Alameda.

Opponents (Not in favor of Appeal): Marilyn Ezzy Ashcraft, Planning Board Member; Ann Cook, Planning Board Member; Kate Quick, League of Women Voters of Alameda (submitted handout); Michael Schmitz, Alameda; Lois Pryor, Alameda; Doug Linney, Alameda; Mark Irons, Alameda; Mi'Chelle Fredrick, Alameda; Diane Lichtenstein, Housing Opportunities Makes Economic Sense (HOMES); Susan Decker, Alameda; Walter Schlueter, Alameda; Lauren Do, Alameda; Dan Wood, Alameda; Helen Sause, HOMES; Jon Spangler, Alameda; Sam Sauce, Alameda; Carl Halpern, Alameda; Liz Rogers, Alameda; Michael Kruger, Alameda; John Knox White, Alameda; Laura Thomas, Alameda; and Eve Bach, Arc Ecology.

Neutral: Pamela Kurtz, Alameda; and Bill Smith, Alameda.

\* \* \*

Mayor Johnson left the meeting at 8:18 p.m. and returned at 9:21 p.m.

\* \* \*

Following the Appellants' comments, Councilmember deHaan stated the City is going through the Metropolitan Transportation Commission's (MTC) Station Area Plan; the initial meeting was held; inquired whether the Planning Board submitted information and inquiries for discussion at said meeting.

The Planning and Building Director responded in the negative.

Councilmember deHaan stated that he was concerned that the Planning Board talked about wanting to see design and land usage; inquired what the Station Area Plan is to do.

The Planning and Building Director responded the Station Area Plan looks at land development patterns for Alameda Point; stated as part of the grant MTC awarded the City, the City is required to look at a land use development pattern that would be denser around a multi-modal transit station, which would be a non-Measure A alternative; the land development alternative in the Alameda Point Preliminary Development Concept (PDC) will be compared to something with a different form to see how transit would or would not be supported.

Councilmember deHaan inquired why would said avenue not be used as the platform for discussion.

The Planning and Building Director responded said avenue is part of the discussion.

Councilmember deHaan stated the Planning and Building Director's position at the [Planning Board] meeting was that the decision is policy and should be considered at the Council level, which is contrary to the staff report.

The Planning and Building Director responded a bigger discussion of Measure A, not in context of the Housing Element update or MTC grant funded project, is a policy discussion in her opinion.

Councilmember deHaan stated the Council is going through stages right now; the Alameda Point Master Developer was just selected; the Master Developer will return with various ideas and direction; the MTC Station Area Plan was to set up the dialogue on transportation; there was a very small sub-element on Measure A, which became a prime element at the first meeting; the Housing Element has been under discussion for ages and is an on-going legitimate discussion; the Chinatown Agreement and lawsuits facing the City are important and put certain limitations on the amount of housing that can be built; the Collins property plans rejected by the Planning Board and Council is in a lawsuit; these are the things in which the Council needs to be involved; there is going to be a different disposition of how Coast Guard housing will be handled; said matters are the concerns that require better understanding of how to go forward; the Transportation Master Plan (TMP) will come forward; all said matters intertwine together; the Council took a position when the League of Women Voters requested the matter [Measure A amendment] be put on the ballot; density, traffic and number of houses are important issues; in 2000, the Sierra Club and ARC Ecology did a survey of around 300 homes to ask if there was support to change Measure A; the response was not to change Measure A; the other question was whether there would be support to change Measure A for Alameda Point; the study indicated the matter would not pass if it were not brought through the Council; a year later the Chamber of Commerce surveyed its membership regarding changing Measure A; the membership decided not to take any action because the resounding response was the membership did not support changing Measure A; Measure A continues to get good dialogue; there is not good understanding of Measure A; the dialogue has to be out there to ensure people understand why Measure A was put in place; Alameda Landing entitlements increased housing and added retail; that he supports additional retail; however, saturation is being reached; the Tube congestion is getting worse; full build out is not even close; reducing the amount of housing at Alameda Point has been discussed; a rough study indicated that it would take 3,100 homes to make Alameda Point economically viable; there will be further study; 12-15% of people in Alameda use public transit; the Alameda Point PDC states

that the largest percent achievable would be 20% [using public transit]; the matter is how traffic will flow and move in an orderly fashion throughout Alameda, not Measure A; the Council needs further discussion of how to look at Alameda as a whole rather than individual parts; discussion is important and healthy.

Following the last public speaker, Mayor Johnson closed the public portion of the Hearing.

\* \* \*

Mayor Johnson called a recess at 10:25 p.m. and reconvened the meeting at 10:40 p.m.

\* \* \*

Mayor Johnson stated that she appreciated everyone's civility.

Councilmember Matarrese requested the City Attorney to answer the question about whether the Planning Board action was within the Board's legal authority.

The City Attorney responded the Planning Board has no jurisdiction over amending or changing Measure A, which would be a Charter amendment and requires a vote of the people; stated the Planning Board also has no jurisdiction over advocating the changing of Measure A; the Planning Board can look at and talk about Measure A as long as it does not take an advocacy position; establishing a subcommittee for the sole purpose of looking at various ways a public forum could be structured is not outside the authority of the Planning Board; under the Brown Act, the subcommittee must report back to the Planning Board at an open meeting with public participation; the action the Planning Board took was within the Board's jurisdiction.

Councilmember Matarrese inquired whether the Planning Board's action that was appealed was legal; whether the Board cannot take an advocacy position; whether the subcommittee would not make any decisions and would only make recommendations to the Planning Board; and whether the Planning Board would not make any decision about whether Measure A stays or goes because it is outside the Board's purview.

The City Attorney responded in the affirmative to all of Councilmember Matarrese's inquiries.

Vice Mayor Tam inquired whether there are any constraints on the direction the Council can give regarding the composition of the subcommittee.

The City Attorney responded there are no constraints on the City Council to condition the Planning Board's action; Council can uphold the appeal, deny the appeal or make a different recommendation to the Planning Board and remand the decision for the Planning Board to do in a different way.

Councilmember deHaan stated the Council determines how individual elements move forward, which has an impact on the overall development of Alameda; the overall development of Alameda should be reviewed; Measure A is a segment of it [development]; Measure A could be discarded if there were a limit on the number of overall housing units and design were different; there needs to be an understanding of what might be built out and how impacts will affect the City; the Council should look at how the overall growth of Alameda is going to be built out and understand all the segments together and the TMP's impacts; decisions should start being made as a big picture; the Measure A portion is going to be and has been discussed, maybe not in the proper context, in the Station Area Plan; that he has not seen what the Station Area Plan next meeting will look like, which is important to him; the first meeting started off on the wrong foot; another three meetings will be held, which is a good starting point; MTC's funding provided a great opportunity since the City could not afford the staff time and effort; that he would prefer looking at the overall picture and making a determination of how the City will handle this [development] as a whole; the other [formation of a subcommittee] should be put on the side and the appeal should be upheld because the Planning Board has a heavy agenda for the next three or four months.

Mayor Johnson stated that she does not disagree with Councilmember deHaan's comments; questioned whether the normal process is to start with the Planning Board and then have the matter come to Council; stated that she agrees there should be an overall strategy, which has been done in different areas; there should be a comprehensive review.

Councilmember deHaan stated it [comprehensive review] has been done somewhat in the Alameda Point PDC.

Mayor Johnson stated parts have been completed, such as transportation and retail analysis.

Councilmember deHaan stated the Northern waterfront and the impact of South Shore have not been done; all of the elements have not been considered together as a whole; the West End has to be one of the most important corridors and is already impacted now; Measure A might not change that [West End corridor] at all and would not

effect the numbers being discussed if the intent were not to have more housing units; the transportation corridor has become so much more important; there is a situation with Alameda Landing--only \$400,000 was designated for remediation of transportation corridors; Oakland is developing out which is inundating Alameda's corridors; the Council would be remiss if the proper context is not taken.

Mayor Johnson inquired whether Councilmember deHaan is stating that more housing units should not be included if the Planning Board is reviewing, for example, planning at the Base.

Councilmember deHaan responded that he is just telling about the impact of traffic itself; stated no more housing started to be discussed when the City lost the last developer; reducing the number of homes started being discussed more; the developer has been told the City wants jobs out there [at Alameda Point]; another developer was just selected; there is time to review and understand; the new developer is a new set of fresh eyes and will bring a new dimension to it [Alameda Point development]; there is no urgency at this point in time; adaptive reuse has been talked about; individuals have stated adaptive reuse cannot be done under Measure A, but it can; it [development] may not be as good under Measure A as it could be, but it can be done; Cardinal Point is an excellent example; needs can be met under Measure A; Alameda Landing will include building housing above commercial space and is Measure A compliant; Measure A is not the driving force; there is a bigger problem--the constraints and opportunities facing the City.

Councilmember Matarrese stated several of Councilmember deHaan's comments, such as the statement that the impacts are not known, support the Planning Board action; the City is facing the largest development, which is really reuse, in Alameda's history; the development is probably the most important in the Bay Area and every single option is worth review; the ground rules are specifically to establish the facts on the limitations and benefits of Measure A; it [the workshop] is to obtain public input; the deliverable is to provide a written account of the workshop that will include facts that can be used in support of the Housing Element and to provide the City Council with information for making policy decisions; doing it [the workshop] now is fortuitous because Alameda Point development is at least a year away; Measure A has been discussed every two years on a regular basis in the context of political campaigns; taking the discussion outside the context of a political campaign and making it fact based is good; that in addition to the Housing Element, he would like to include the transportation component, which is inextricably intertwined; the forum should be facilitated by someone outside the City who is

independent; having the discussion is timely and must be done.

Vice Mayor Tam stated the formation of a committee to plan a public forum has raised the concern that there may be a group that is headed in the direction of amending Measure A; Measure A permeates through the City's land use planning and affects the quality of life as it pertains to dealing with traffic through the Tube, saving open space, and public transit ridership; both sides agreed that institutional knowledge could be conveyed through a public forum that is fair, honest, balanced, realistic and helps define the future, particularly with the Alameda Point development; there is a concern that the committee may not be able to fulfill some of the expectations of the fair, open, transparent debate; therefore, she suggests that the committee be expanded to include three members from the seven Appellants.

Councilmember Gilmore thanked the members of the public for participating in the discussion; stated people mentioned that Measure A came to be when there was concern about a large development at one end of town and people were worried about what the density and traffic would do to the rest of the town; now, there will be another very large development at one end of town; the City is facing a situation very similar to the situation that spawned Measure A and there is a lot of discussion about the pros and cons of Measure A; concerns raised at the Planning Board meeting were legitimate; including Appellants on the committee is a good idea; that she was going to suggest that the structure formed by the committee return to the Planning Board for full debate; the committee might come up with a structure that does not include any Planning Board members; a method might be to choose members of the public.

Mayor Johnson stated there is a perception that the City is advocating; having no members of the Planning Board might be good; the Council appoints other committees that do not involve members of boards, commissions or Council.

Councilmember Gilmore stated good suggestions were made tonight, such as having Woody Minor present a history of Measure A; that she does not know enough about what the structure will be to decide whether it [the forum] will be good or bad; on a personal basis, she does not like to tell anyone that they cannot talk about something; open meetings are held in order to allow people to talk; a fair, unbiased forum that would allow people to give viewpoints and be educated would be good for the City; that she likes the fact that it [the forum] will be done in a non-election year and is not being done while there is a signed agreement with an Alameda Point developer; not having a signed developer should eliminate concerns

that the forum is developer driven; the development at Bay Farm gave rise to Measure A; the discussion on Alameda Point development might give rise to a tightening of Measure A, which will not be known until the discussion is held.

Vice Mayor Tam stated that she is concerned that the leadership which the Planning Board would bring to the debate would be lost if the committee is made up of members of the public; the Planning Board is the Council's land use advisory body and has a significant amount of expertise that should not be lost; combining the Planning Board members with people on the other side of the debate brings a richer framework for how the public forum would be shaped, as well as inviting Woody Minor to be a panelist at one of the workshops.

Councilmember deHaan stated similar thoughts were raised at the Planning Board meeting; adding other parties to the committee was discussed and was not pursued; starting with Woody Minor was brought up a couple of meetings prior; understanding pros and cons that have occurred during the last 34 years has to be done to make the forum meaningful; the forum is not needed to address design and land usage issue, which are already being addressed at the MTC; there has to be much more to the dialogue.

Mayor Johnson recognized Planning Board Member Marilyn Ezzy Ashcraft.

Ms. Ezzy Ashcraft stated the three subcommittee members met after the Planning Board appointed the subcommittee and prior to the Appeal/Call for Review; at said meeting, one of the first names that came up as a good starting point was Woody Minor; that she takes copious notes and no one expressed a desire to overturn Measure A; the discussion was about what the Council would want as a deliverable, probably at least three alternatives; the subcommittee also discussed wanting to hear from people in as many different areas as possible and how to do as much as possible on a very limited budget; urged Council to give the subcommittee 30 days to come up with something and return to the Planning Board or Council; the subcommittee is looking for a way to have a full, fair discussion.

Mayor Johnson recognized former Councilmember "Lil" Arnerich.

Mr. Arnerich inquired whether the Council has the right to select the committee members; stated the rooster is guarding the hen house; people think the three Planning Board members selected for the subcommittee are anti-Measure A; the subcommittee should be made up of unbiased people who would look at the matter objectively.

Mayor Johnson inquired whether Mr. Arnerich would support the Council adding him, former Councilmember Barbara Kerr and Woody Minor to the committee.

Mr. Arnerich responded that he did not want to serve; stated Golf Commissioner Bob Wood would be good.

Councilmember deHaan stated Woody Minor should give a presentation [at the forum]; actual Appellants should be added to the committee.

Mayor Johnson inquired whether the Appellants could select three designees.

Mr. Arnerich responded many excellent people could serve; going to people outside the Planning Board to carry out the Council's wishes is the most appropriate way to go.

Mayor Johnson stated there is a perception that the subcommittee members have a preference.

Councilmember Gilmore stated the three subcommittee members along with three the Appellants, selected by the Appellants, could get together and come up with structure for going forward with the Measure A discussion; inquired whether putting more people on the subcommittee means that the meetings would have to be noticed; stated the group would meet to set up a forum; the six people should be able to meet and bring a recommendation back to the City Council or Planning Board at which time the public could comment on the structure.

The City Attorney stated the Planning Board set up a subcommittee composed of less than a quorum of the Board; the Council is entertaining the establishment of an Ad Hoc Committee, which is slightly different; meeting outside a noticed, public hearing would be permissible since the officials involved are still less than a quorum of the legislative body because no action will be taken; the group would have to return to the Planning Board or City Council and report on its findings and recommendations; the Planning Board or Council would make a decision on the context of the forum after the public has an opportunity to provide input.

Mayor Johnson inquired whether the Council could give direction to notice the meetings, to which the City Attorney responded in the affirmative.

Councilmember deHaan stated the public should be able to attend the meetings.

The City Attorney stated the Brown Act does not constrain the Council from setting up a meeting that has more public participation than is legally required.

Councilmember Gilmore stated a Task Force set up to address Harbor Island [apartment evictions] allowed members of the public to attend the meetings and listen to deliberations, but not provide input.

Mayor Johnson inquired whether said meetings were noticed, to which Councilmember deHaan responded the meetings were announced at Council meetings.

Councilmember Matarrese stated said idea is good; the Ad Hoc Committee will work on the structure that would return to the Planning Board for consideration; the Planning Board would make a decision on the structure of the forum and there would be discussion.

Councilmember Matarrese moved approval of denying the Appeal and upholding the Planning Board's decision to assign an Ad Hoc Committee to work on a structure for a public forum on Measure A with the following conditions: that it includes in the context of the housing element and transportation issues, that it is limited to establishing the facts on limitations and benefits of Measure A and prohibits advocacy, that it obtains public input and a written record of the workshop and its deliberations be provided, that its intent is to be used as a basis for the upcoming housing element as well as other decisions related to future development in Alameda, and that the Ad Hoc Committee be expanded to include three members of the Appellant group to be determined by the Appellants.

Mayor Johnson suggested the motion be kept simple since structuring the forum itself is being discussed; stated the end result should not be set.

Councilmember Matarrese stated the end result can be struck from the motion, but knowing the goal is important to know the work product.

Mayor Johnson stated the goal is getting to the workshop itself.

Councilmember deHaan inquired whether the Ad Hoc Committee would report back to the Council or Planning Board.

Councilmember Matarrese responded the Ad Hoc Committee would report to the Planning Board; the Planning Board would have public

deliberation and make a decision; then, the forum would occur; there would be a work product; there would be a record of what happened [at the forum], including what people said and what was discussed; the discussion should be written down and memorialized.

Councilmember Gilmore stated that she concurs with Councilmember Matarrese; the Planning Board had a lengthy discussion several years ago and the only record was that a meeting was held to discuss Measure A; that she would not want to take time and effort to establish a structure to have an impartial forum and not have a record of the forum; that she supports having full minutes of the discussion written down and memorialized.

Councilmember deHaan inquired whether the discussion would be limited to Alameda Point only, to which Councilmember Matarrese responded in the negative.

Councilmember Gilmore stated the Ad Hoc Committee should determine the parameters.

Councilmember deHaan inquired whether there would be an impact on any lawsuits, to which the City Attorney responded that she would prepare a confidential opinion for the Council.

Councilmember Gilmore stated regardless of the Ad Hoc Committee's structure or its decisions, Measure A is still the law in Alameda; unless citizens circulate a petition to have the matter placed on the ballot and voted upon, Measure A remains the law.

Vice Mayor Tam seconded the motion with the clarification from Councilmember Gilmore.

Councilmember deHaan requested the motion be restated.

Councilmember Matarrese restated the motion to deny the appeal and uphold the decision of the Planning Board with the following conditions: that the context is both the Housing Element and transportation; that the Ad Hoc Committee be expanded to include three members of the Appellant group to be determined by the Appellants; workshop deliverables are establishing facts, limitations, and benefits of Measure A, to obtain public input and to provide a written account of deliberations and outcomes of the workshop.

Mayor Johnson inquired how people would be informed of the Ad Hoc Committee's Meetings; stated the motion should include direction that the Ad Hoc Committees meeting schedule be made public.

Councilmember Gilmore stated the meetings could be announced at Council or Planning Board meetings.

Councilmember Matarrese agreed to amend the motion.

Vice Mayor Tam seconded the motion.

Councilmember deHaan inquired whether the motion included Councilmember Gilmore's comments that Vice Mayor Tam included when she originally seconded the motion.

Vice Mayor Tam stated Councilmember Gilmore's clarification on the process in which the deliverables come back to the Council was articulated when Councilmember Matarrese restated the motion.

Mayor Johnson stated the comments were that there should be a written record.

Councilmember Gilmore stated the main point was that there be a written record of what was discussed, how it was discussed, and what conclusions, if any; there needs to be a full record, not just one line that a meeting was held.

Councilmember deHaan stated that Councilmember Gilmore alluded to Measure A itself being the will of the people and would come back through said means via the will of the people.

Mayor Johnson stated the statement could be made for the record.

Councilmember Gilmore stated the statement could be made for the record; however, it [statement] did not have anything to do with the motion.

Mayor Johnson stated the statement should be made as part of the record: that the Council recognizes Measure A is part of the Charter and can only be changed by a vote of the people; further stated that she personally, and she has heard a majority of the members of the Council state, that they do not believe that the Council should put Measure A on the ballot; the discussions are not leading towards a campaign; Measure A was originally a grassroots effort; if there is support to change Measure A, it should be through the same grassroots effort; the matter can be made very clear as part of the record.

Councilmember deHaan stated Councilmember Gilmore had stated the same thing, which he was reiterating.

Councilmember Gilmore stated that she meant her statement, but does

not think it needs to be stated as part [of the motion].

Councilmember deHaan stated that he thinks it does.

Mayor Johnson stated people need to understand that Measure A can only be changed by the voters.

Councilmember Gilmore requested clarification [to the motion] of whether the three additional Ad Hoc Committee members selected by the Appellants would be Appellants or designees; stated that she would prefer the actual signed Appellants, not designees.

Mayor Johnson concurred that three of the Appellants should be selected.

Councilmember deHaan noted that there was also a clarification [to the motion] that the meetings would be posted in some way.

Mayor Johnson inquired whether everyone was clear.

Hearing no objection, on the call for the question, the motion carried by unanimous voice vote - 5.

#### ORAL COMMUNICATIONS, NON-AGENDA

(07-237) Michael John Torrey, Alameda, stated dead bees are inside the Fort Knox building on Webster Street.

Mayor Johnson stated City Hall had a bee problem; the beehive was removed and transplanted; requested that information be provided to Fort Knox.

(07-238) David Howard, Alameda, stated that he hopes Council stays focused on job creation and job preservation when working with Sun Cal [Alameda Point developer]; questioned whether the three person sub-committee meeting referenced by Ms. Ezzy Ashcraft [under the Public Hearing, paragraph no. 07-236] constituted a Brown Act violation.

(07-239) Jon Spangler, Alameda, urged everyone to ride bikes on Bike to Work Day.

(07-240) Barbara Kerr, Alameda, stated a newspaper article noted that the new Work/Live building would draw 50,000 cars; the Work/Live ordinance prohibits any impacts on the surrounding area; parking is not available on Blanding Avenue except the shopping center area; urged Council to direct the City Manager to investigate whether a use permit or variance was issued; stated the

Metropolitan Transportation Commission grant is a big joke if it does not consider electric carts; new developments need to address paths for electric carts; the idea is not revolutionary and works; further stated special paths can be developed for electric carts storage can be established at transit hubs, such as the ferry and bus terminals.

Mayor Johnson noted Palm Desert legalized driving golf carts on the streets.

#### COUNCIL COMMUNICATIONS

(07-241) Mayor Johnson requested that electric car charging systems in new homes be considered as part of the green building ordinance.

(07-242) Mayor Johnson stated the Harbor Island Task Force recommended a condominium conversion ordinance; requested an update on the status.

Councilmember deHaan stated the issue was raised as a home ownership effort; the City was to come up with a model.

Mayor Johnson stated Council gave direction to move forward on the matter.

Councilmember Gilmore stated Council was concerned about the economic feasibility for an owner to convert.

(07-243) Councilmember deHaan requested that the Tube lighting system be placed on the Public Works project list; stated he appreciates the cleanup of the entrance on the Oakland side.

Councilmember Gilmore stated the lighting has been removed on one side.

The City Manager stated the lighting removal is part of the improvement; the Public Works Director would receive an update from CalTrans.

(07-244) Councilmember deHaan stated control boxes are covered with graffiti throughout Alameda; he hopes that the Police Department makes an effort to find the responsible individual; the Central Avenue telephone company switching station and the Atlantic Avenue building near the old railroad housing are disasters; he would be happy to provide pictures.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 11:47 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -MAY 15, 2007- -6:00 p.m.

Mayor Johnson convened the Special Meeting at 6:05 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore,  
Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(07-217) Conference with Real Property Negotiators; Properties:  
Alameda Gateway, Alameda Marina, Ballena Marina, Encinal  
Industries, and Encinal Marina; Negotiating parties: City and J.  
Beery, Pacific Shops, Almar Property, P. Wang and Encinal Marina;  
Under negotiation: Price and terms.

(07-218) Conference with Labor Negotiators; Agency Negotiators:  
Craig Jory and Human Resources Director; Employee Organizations:  
All City Bargaining Units.

Following the Closed Session, the Special Meeting was reconvened  
and Mayor Johnson announced that Council regarding Property,  
Council received a briefing from its Real Property Negotiators  
regarding the status of existing leases and gave direction on  
negotiating parameters for new lease terms; regarding Labor,  
Council received a briefing from its Labor Negotiators and gave  
direction on negotiating parameters.

Adjournment

There being no further business, Mayor Johnson adjourned the  
Special Meeting at 7:30 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown  
Act.

MINUTES OF THE SPECIAL COMMUNITY IMPROVEMENT COMMISSION MEETING  
TUESDAY- -MAY 15, 2007- -7:31 P.M.

Chair Johnson convened the Special Meeting at 11:47 p.m.

ROLL CALL - Present: Commissioners deHaan, Gilmore, Matarrese,  
Tam and Chair Johnson - 5.

Absent: None.

MINUTES

(07-017) Minutes of the Special Joint City Council and Community Improvement Commission (CIC) meeting and the Special CIC meeting held on April 17, 2007, and Special Joint City Council, Alameda Reuse and Redevelopment Authority, and CIC meeting held on May 8, 2007.

Commissioner Gilmore moved approval of the minutes.

Commissioner deHaan seconded the motion, which carried by unanimous voice vote - 5.

AGENDA ITEM

(07-018) Update on the Alameda Theater, Cineplex and Parking Structure Construction Project;

(07-018A) Recommendation to authorize staff to approve a Change Order for up to \$100,000 for preserving and restoring the auditorium bas relief niches and ceiling; and

(07-018B) Recommendation to release \$250,000 in project budgeted funds to Alameda Entertainment Associates, L.P. for Cineplex site work.

\* \* \*

(07-019) Commissioner Matarrese moved approval of continuing the meeting past 12:00 midnight.

Commissioner Tam seconded the motion, which carried by unanimous voice vote - 5.

\* \* \*

Commissioner Matarrese requested that photographs of the Historic Theater restoration be posted to the City's website.

The Development Services Director gave a brief presentation.

Chair Johnson inquired whether two action items are being considered tonight, to which the Development Services Director responded in the affirmative.

Chair Johnson stated there would never be another opportunity to work on the entire ceiling; the work needs to be done; inquired whether 34% of the contingency budget would be used.

The Development Services Director responded in the affirmative.

Chair Johnson stated staff should come back to the Commission once there is a better idea of the amount of the contingency budget that will be used; money should not be left in the contingency budget; money should be spent on additional theater restoration; people thought only the lobby would be restored and will be happy to see the extent of the restoration; further stated the historic theater is being restored as a one screen theater; the screen will be one of the largest in the area.

The Development Services Director stated the entire amount requested [\$100,000] might not be used on the ceiling.

Chair Johnson stated the maximum amount of work that can be done should be done while the scaffolding is up.

The Development Services Director stated completing the entire ceiling should be around \$80,000; keeping some of the historic paint features would cost less; further stated money should be left in the contingency budget at the end of the project for tenant improvements in the retail spaces.

Chair Johnson inquired whether holes in the ceiling would be repaired, to which the Development Services Director responded in the affirmative.

Commissioner deHaan stated that he was impressed with the art treatments that were uncovered; he would like to see the latest technology used on light fixtures; there will never be another opportunity to get back up in the ceiling; a lot of electricity would be used for individual light sockets; the matter should be reviewed with Alameda Power & Telecom (AP&T).

The Development Services Director stated the matter could be reviewed very quickly; new technologies will adapt to old sockets; there is also the challenge between using the historic lighting versus modernizing it [lighting].

Commissioner deHaan stated as people walk into the theater, they will look directly at the concession area; it [lobby] is a beautiful area and people should not look at the concession area; he would like to see a dummy wall in front of that [concession area], which would allow people to walk around into the concession area; that he discussed the matter with the Project Manager; a simple wall would break it up so your eyes would have to go into the rest of the area [lobby].

The Development Services Director stated staff could explore the matter and bring it back to the Commission; that she would have to check with the historic architects because the lobby is being completed as a restoration.

Commissioner deHaan stated what he is talking about is extremely simple.

Chair Johnson questioned whether the lobby should be broken up.

Commissioner deHaan stated there is a penetration going to the concession area now that was never there; he is requesting a dummy wall that people can walk around to get to the concession area; the popcorn machine would not be seen and would be buffered; the developer would understand what he is talking about.

The Development Services Director stated the matter could be explored; there were conditions put on moving just door hinges.

Chair Johnson stated the historic integrity of the lobby should not be disturbed.

Commissioner deHaan stated it is not coming close to that; further stated \$250,000 was allocated for hazardous materials and site conditions; inquired whether there was a loan for the elevator and escalators.

The Development Services Director responded in the affirmative.

Councilmember deHaan inquired whether the amount being allocated was being taken from contingency.

The Development Services Director responded the exact cost of the site work was now known; stated the developer has spent in excess of the amount; the City did a fine job of crafting the Disposition and Development Agreement; the City capped its exposure.

Robb Ratto, Park Street Business Association Executive Director,

urged approval of the staff recommendations; stated perhaps \$150,000 should be allocated for the ceiling to provide additional flexibility.

Chair Johnson inquired whether \$100,000 is sufficient, to which the Development Services Director responded in the affirmative.

Commissioner deHaan inquired what is being done with the Fox Theater, to which the Development Services Director responded it would be used for educational purposes.

Commissioner Matarrese moved approval of the staff recommendations with direction that as much restoration work be done as possible in the historic theater so that the project does not end with money left in the contingency budget.

Commissioner Tam seconded the motion, which carried by unanimous voice vote - 5.

#### ADJOURNMENT

There being no further business, Chair Johnson adjourned the Special Meeting at 12:18 a.m.

Respectfully submitted,

Lara Weisiger  
Secretary

The agenda for this meeting was posted in accordance with the Brown Act.